

THE WHITE HOUSE

4341

WASHINGTON

July 24, 1975

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NSC Review Completed

MEMORANDUM FOR: JACK MARSH

FROM: Brent Scowcroft *BS*

SUBJECT: Release of Two Transcripts
on the U-2 Operations

In response to your memo of June 21, the NSC Staff has reviewed the Senate Foreign Relations Committee transcripts of CIA Director Dulles' testimony on the U-2 incident and believes that with certain exceptions the volumes may be declassified and released.

The statement by Senator Williams (last line - p. 371 and first two lines - p. 372) concerning satellite reconnaissance must be deleted. The President has specifically determined that "The fact that the United States Government conducts a photographic satellite reconnaissance program for foreign intelligence collection be classified SECRET." Accordingly this passage is exempt from declassification under Executive Order 11652, Section 5 (B)(2) (pertaining to intelligence sources and methods).

On page 366 while responding to a question about the relationship between international law and acquiring intelligence, Mr. Dulles indicates that no one had ever suggested to him that intelligence activities should be constrained by international law "or domestic law, for that matter." We suggest that DCI Colby be asked to review this exchange and consider the congressional and media impact of releasing a statement in which a former CIA Director indicates he was never asked to comply with domestic law.

*see
also
368*

On the recommendation of the Department of State we also request that two references to Mr. Suslov on page 383 be removed. In line 13 "particularly Mr. Suslov" and in line 21 "with Suslov prob-

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ably and some others" should be deleted.

Concerning the other references identified by Bob Wolthuis in his June 12 memo to you, although some of them may be embarrassing, we do not believe there is any defensible basis for withholding this information. Almost all of it is already in the public domain and could be documented through public records. While some passages might seem somewhat abrasive, as you know, this alone is not a sufficient justification for maintaining the classification of the information.

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

28 May 1975

Mr. John O. Marsh
Counsel to the President
The White House
Washington, D.C. 20500

Dear Jack:

The Senate Foreign Relations Committee has requested that we review for declassification the executive session testimony of 31 May 1960 of Mr. Dulles on the Summit Conference of May 1960 and the Gary Powers U-2 flight. The declassification was initially requested by a graduate student. Normally, the Committee declassifies their executive session testimony after twelve years.

The review within CIA concluded that the transcripts can be released unedited and without sanitization. The following excerpts, however, should be brought to your attention:

a. On the top of page 372, Senator Williams refers to photographic satellites as replacing the necessity of U-2 planes.

b. On page 384, Senator Gore refers to radar installations near the Russian borders.

There are also references to countries providing landing rights as well as Department of State responsibilities. This may very well create a reaction jeopardizing existing intelligence agreements with foreign countries. (We understand that the transcripts are also being referred to Defense and State.)

Perhaps of greater concern to the White House is Senator Fulbright's questioning of President Eisenhower's judgment in taking responsibility for the Powers flight.

We would appreciate your comments soonest.

Sincerely,

[Redacted Signature]

George L. Cary
Legislative Counsel

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